

## Proposed 2015 Session Legislation

|                              |   |           |        |
|------------------------------|---|-----------|--------|
| Agency Name & No:            | Agriculture - 62010   |           |        |
| Priority Number:             | 001   | Filename: | 30-001 |
| Short Title:                 | Calculate spending limits in 80-7-814 on previous year's revenue. |           |        |
| Agency Contact Person/Phone: | Libbi Lovshin, 444.5408   |           |        |

**1. Purpose:**

Setting the calculation on previous year revenue instead of current year grant expenditures will make the calculation clearer and will ensure the department knows in advance how much it will be able to spend on non-grant activities, creating a situation where the department can be assured of complying with the law.

**2. Background:**

SB 144, passed during the 2013 legislative session, very specifically defined what percentage the department may spend on non-grant activities, but the calculation for each year is based on grant expenditures in the same year. The department estimates what it will be able to spend based on what it expects to expend on grants but until the fiscal year has ended and all transactions are finalized, there is no way to be sure whether the estimates will fall within the percentage cap.

**3. Fiscal Impact by Fund Type:**

*This impact should be as specific as possible.*

The net fiscal impact will be zero.

**4. Summary Checklist [Check & complete all that apply]--**

- |  |  |   |  |
|--|--|---|--|
| <input type="checkbox"/> Housekeeping Only   | <input type="checkbox"/> Federal Requirement   | <input type="checkbox"/> Audit Recommendation (Audit No.) | <input type="checkbox"/> Major Legislation |
| <input type="checkbox"/> Anticipated to be Controversial Legislation   | <input checked="" type="checkbox"/> Bill Draft has been included in Legislation Submittal (if available) |   |  |
| <input type="checkbox"/> Supports Submitted EPP Item Number  | <input type="checkbox"/> Local Government Fiscal Impact  |   |  |
| <input type="checkbox"/> Increases FTE, or <input type="checkbox"/> Decreases FTE by                                     | List FTE amount and program  |   |  |
| <input type="checkbox"/> Increases Existing Revenue  | <input type="radio"/> Tax <input type="radio"/> Fee <input type="radio"/> Penalty [amount in #3]         |   |  |
| <input type="checkbox"/> Decreases Existing Revenue  | <input type="radio"/> Tax <input type="radio"/> Fee <input type="radio"/> Penalty [amount in #3]         |   |  |
| <input type="checkbox"/> Establishes New Revenue   | <input type="radio"/> Tax <input type="radio"/> Fee <input type="radio"/> Penalty [amount in #3]         |   |  |
| <input type="checkbox"/> Leg. has been Submitted in Previous Legislative Sessions (list priority no, LC no, or bill no): |  |   |  |
| <input type="checkbox"/> Legislation would affect other state agencies (list):   |  |   |  |
| <input type="checkbox"/> Special Interest Groups Affected (list):  |  |   |  |
| <input type="checkbox"/> Other:  |  |   |  |

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\*\*\* Bill No. \*\*\*

Introduced By \*\*\*\*\*

By Request of the (Agency or Department)

A Bill for an Act entitled: "An Act limiting the Department of Agriculture's administrative expenses to 12% of total revenue in the noxious weed management special revenue fund; amending section 80-7-814 of the MCA; providing an immediate effective date."

Be it enacted by the Legislature of the State of Montana:

**Section 1.** Section 80-7-814, MCA, is amended to read:

**"80-7-814. Administration and expenditure of funds.**

(1) The provisions of this section constitute the noxious weed management program.

(2) (a) Except as provided in subsection (2)(b), money deposited in the noxious weed management trust fund may not be committed or expended until the principal reaches \$10 million.

(b) In the case of a noxious weed emergency, as provided in 80-7-815, a vote of three-fourths of the members of each house of the legislature may appropriate principal from the trust fund.

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(c) Interest or revenue generated by the trust fund, excluding unrealized gains and losses, must be deposited in the noxious weed management special revenue fund and may be expended for noxious weed management projects before the principal of the noxious weed management trust reaches \$10 million with a majority vote of each house of the legislature.

(d) Any grant funds, regardless of the time at which the grant was awarded, that are not fully expended upon termination of the contract or an extension of the contract, not to exceed 1 year, must revert to the department. The department shall use any reverted funds for future grant awards, provided the noxious weed management trust fund principal exceeds \$10 million as provided in subsection (2)(a).

(e) The department may not apply for or receive grant awards from the noxious weed management special revenue fund.

(3) The principal of the noxious weed management trust fund in excess of \$10 million may be appropriated by a majority vote of each house of the legislature. Appropriations of the principal in excess of \$10 million

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may be used only to fund the noxious weed management program.

(4) The department may expend funds under this section through grants or contracts to communities, weed management districts, or other entities that it considers appropriate for noxious weed management projects. A project is eligible to receive funds only if the county in which the project occurs has funded its own weed management program using one of the following methods, whichever is less:

(a) levying an amount of not less than 1.6 mills or an equivalent amount from another source; or

(b) appropriating an amount of not less than \$100,000 from any source.

(5) The department may expend funds without the restrictions specified in subsection (4) for the following:

(a) employment of a new and innovative noxious weed management project or the development, implementation, or demonstration of any noxious weed management project that may be proposed, implemented, or established by local, state, or national organizations, whether public or private. The expenditures must be on a cost-share basis with the organizations.

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(b) cost-share noxious weed management programs with local weed management districts;

(c) special grants to local weed management districts to eradicate or contain significant noxious weeds newly introduced into the county. These grants may be issued without matching funds from the district.

(d) costs incurred by the department for administering the noxious weed management program as follows:

(i) In fiscal year 2014, the funds used by the department for administering the program, including but not limited to personal services costs, operating costs, and other administrative and program costs attributable to the program, may not exceed 16% of the total amount expended through grants and contracts made under subsection (4). No additional administrative or other costs may be taken by the department on reverted funds used for future grant awards.

(ii) In fiscal year 2015 and in each succeeding fiscal year, the funds used by the department for administering the program, including but not limited to personal services costs, operating costs, and other administrative and program costs attributable to the program, may not exceed

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12% of the total revenue recorded in the noxious weed management special revenue fund in the previous fiscal year of the total amount expended through grants and contracts made under subsection (4). No additional administrative or other costs may be taken by the department on reverted funds used for future grant awards.

(e) administrative expenses incurred by the noxious weed management advisory council;

(f) a project recommended by the noxious weed management advisory council, if the department determines that the project will significantly contribute to the management of noxious weeds within the state; and

(g) grants to the agricultural experiment station and the cooperative extension service for crop weed management research, evaluation, and education.

(6) The agricultural experiment station and cooperative extension service shall submit annual reports on current projects and future plans to the noxious weed management advisory council.

(7) In making expenditures under subsections (3) through (5), the department shall give preference to weed management districts and community groups.

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(8) If the noxious weed management trust fund is terminated by constitutional amendment, the money in the fund must be divided between all counties according to rules adopted by the department for that purpose."

{Internal References to 80-7-814:  
80-7-508 80-7-801 80-7-815 80-7-816 }

NEW SECTION. Section 2. {standard} Effective date.

[This act] is effective on passage and approval.-END-

## Proposed 2015 Session Legislation

|                              |   |           |        |
|------------------------------|---|-----------|--------|
| Agency Name & No:            | Agriculture - 62010   |           |        |
| Priority Number:             | 004   | Filename: | 30-004 |
| Short Title:                 | Recognize the analytical laboratory as part of agriculture and grant rulemaking |           |        |
| Agency Contact Person/Phone: | Cort Jensen, 444.5402   |           |        |

**1. Purpose:**

The joint MSU/department of agriculture analytical laboratory is not specifically mentioned in statute and therefore does not have the ability to set fees by rule now that the financial duties are being transitioned from the Montana State University Agricultural Experiment Station (MSU AES).

**2. Background:**

The department of agriculture and Montana State University Agricultural Experiment Station (MSU AES) jointly operate the chemical analytical laboratory located on the MSU campus. Financial duties are being transitioned to the department of agriculture. Because the analytical lab is not specifically mentioned in statute, it does not have the ability to set fees by rule.

**3. Fiscal Impact by Fund Type:**

*This impact should be as specific as possible.*

No fiscal impact.

**4. Summary Checklist [Check & complete all that apply]--**

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|--|--|---|--|
| <input type="checkbox"/> Housekeeping Only   | <input type="checkbox"/> Federal Requirement   | <input type="checkbox"/> Audit Recommendation (Audit No. _____) | <input type="checkbox"/> Major Legislation |
| <input type="checkbox"/> Anticipated to be Controversial Legislation   | <input checked="" type="checkbox"/> Bill Draft has been included in Legislation Submittal (if available) |   |  |
| <input type="checkbox"/> Supports Submitted EPP Item Number _____  | <input type="checkbox"/> Local Government Fiscal Impact  |   |  |
| <input type="checkbox"/> Increases FTE, or <input type="checkbox"/> Decreases FTE by _____                                     | List FTE amount and program _____  |   |  |
| <input type="checkbox"/> Increases Existing Revenue  | <input type="radio"/> Tax <input type="radio"/> Fee <input type="radio"/> Penalty [amount in #3]         |   |  |
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| <input type="checkbox"/> Leg. has been Submitted in Previous Legislative Sessions (list priority no, LC no, or bill no): _____ |  |   |  |
| <input type="checkbox"/> Legislation would affect other state agencies (list): _____   |  |   |  |
| <input type="checkbox"/> Special Interest Groups Affected (list): _____  |  |   |  |
| <input type="checkbox"/> Other: _____  |  |   |  |

## Proposed 2015 Session Legislation

|                              |  |           |        |
|------------------------------|--|-----------|--------|
| Agency Name & No:            | Agriculture - 62010  |           |        |
| Priority Number:             | 005  | Filename: | 50-005 |
| Short Title:                 | Pay all agriculture boards and committees the same per diem. |           |        |
| Agency Contact Person/Phone: | Cort Jensen, 444-5402  |           |        |

**1. Purpose:**

Pay all boards and committees attached to the department of agriculture the same per diem, the amount in 2-15-122(5).

**2. Background:**

The current agriculture boards and committees are paid per diem of either \$25 or \$50 a day, depending mostly on when they were originally formed. Five of the department of agriculture's 14 committees, councils or boards receive per diem of \$25/day rather than the \$50/day listed in 2-15-155(5) MCA: the Montana Wheat and Barley Committee, the Alfalfa Seed Committee, the Mint Committee (would need coordinating language for proposal to repeal this committee), the Pesticide Advisory Council (which currently does not exist), and the Board of Hail Insurance. The ag development council lists \$50/day in statute but this would change to cite 2-15-122(5).

**3. Fiscal Impact by Fund Type:**

*This impact should be as specific as possible.*

No fiscal impact. This would not require an increase in appropriation as the amounts are sufficiently minimal to be absorbed in current appropriation.  
(State special revenue funds: Wheat & Barley \$6,300; Alfalfa Seed \$400; Mint \$125; proprietary fund: Board of Hail Insurance \$150).

**4. Summary Checklist [Check & complete all that apply]--**

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| <input checked="" type="checkbox"/> Housekeeping Only  | <input type="checkbox"/> Federal Requirement   | <input type="checkbox"/> Audit Recommendation (Audit No.) | <input type="checkbox"/> Major Legislation |
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| <input type="checkbox"/> Special Interest Groups Affected (list):  |  |   |  |
| <input type="checkbox"/> Other   |  |   |  |



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\*\*\* Bill No. \*\*\*

Introduced By \*\*\*\*\*

By Request of the (Agency or Department)

A Bill for an Act entitled: "An Act standardizing the per diem rate of all boards within the Department of Agriculture and having an immediate effective date; amending sections 80-11-203, 80-11-305, 80-11-404, 80-2-202, 80-8-108, and 90-9-201, MCA"

Be it enacted by the Legislature of the State of Montana:

**Section 1.** Section 80-11-203; amending sections 80-11-203, 80-11-305, 80-8-108, 80-2-202, 80-11-404 and 90-9-201, MCA; providing an immediate effective date.", MCA, is amended to read:

"80-11-203. **Compensation -- per diem.** Members of the committee shall receive no salary but shall be paid from the wheat and barley account in the state special revenue fund a per diem of ~~\$25~~ as set in 2-15-122 for each day they are engaged in the transaction of official business, together with their actual and necessary travel expenses, as provided for in 2-18-501 through 2-18-503, incurred while on official business."

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(Internal References to 80-11-203: None )

**Section 2.** Section 80-11-305, MCA, is amended to read:

"80-11-305. **Compensation -- per diem.** Each committee member is entitled to ~~\$25 compensation~~ for each day that the member is engaged in the transaction of official business a per diem as set in 2-15-122, together with actual and necessary travel expenses, as provided for in 2-18-501 through 2-18-503."

(Internal References to 80-11-305:  
2-15-3004 )

**Section 3.** Section 80-8-108, MCA, is amended to read:

"80-8-108. **Advisory council.** (1) The director of agriculture may appoint an advisory council to study and make recommendations on special pesticide problems in the state. The council consists of individuals representing, equally, controlled industry, agriculture, health, and wildlife. Governmental personnel, university personnel not included, may not be represented on the council. Governmental personnel shall meet with the council in an advisory capacity when requested by the council. The council may not exceed 12 members. The director of

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agriculture shall establish the time period in which the council shall exist. The time period may not exceed 2 years. The department of agriculture shall provide the necessary administrative, secretarial, and any other essential items to the council.

(2) Each member of the council ~~must receive as compensation for services the sum of \$25 a day for each day~~ will receive a per diem as set in 2-15-122 for actually days spent in the performance of duties and must be reimbursed for travel expenses as provided for in 2-18-501 through 2-18-503.

(3) The council may request that the department hold a public hearing to assist it in gathering factual data and information on the special problems assigned it."

{ Internal References to 80-8-108:  
80-8-201 }

**Section 4.** Section 80-2-202, MCA, is amended to read:

**"80-2-202. Compensation of presiding officer and officers.** (1) The appointed members of the board of hail insurance ~~must receive a per diem of \$25~~ will receive a per diem as set in 2-15-122 for each day they are engaged in the transaction of official business.

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(2) All board members and employees must be allowed expenses as provided in 2-18-501 through 2-18-503.

(3) All other public officials specified in this chapter shall perform the duties relative to hail insurance without other compensation than that allowed by law."  
{ Internal References to 80-2-202: None }

**Section 5.** Section 80-11-404, MCA, is amended to read:

**"80-11-404. Compensation -- per diem.** Each committee member is entitled to a per diem as set in 2-15-122 ~~\$25 compensation~~ for each day that the member is engaged in the transaction of official business, together with actual and necessary travel expenses as provided for in 2-18-501 through 2-18-503."

{ Internal References to 80-11-404: None }

**Section 6.** Section 90-9-201, MCA, is amended to read:

**"90-9-201. Council organization -- meetings.** (1) The members of the council shall select a member as presiding officer. The council may establish other offices and select council members to fill these offices.



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(2) The council shall meet quarterly and at other times as determined by the presiding officer or a majority of the council.

(3) Each committee member, except the director of the department and the director of the department of commerce, is entitled to:

(a) ~~\$50 compensation~~ a per diem as set in 2-15-122 for each day that the member is engaged in the transaction of official business, including travel to and from official business; and

(b) necessary travel expenses as provided for in 2-18-501 through 2-18-503."

(Internal References to 90-9-201: None )

NEW SECTION. Section 7. {standard} Effective date.

[This act] is effective on passage and approval.

-END-

**Proposed 2015 Session Legislation**

|                              |  |           |        |
|------------------------------|--|-----------|--------|
| Agency Name & No:            | Agriculture - 62010  |           |        |
| Priority Number:             | 006  | Filename: | 30-006 |
| Short Title:                 | Disband the mint committee; repeal MCA 80-11-401 et al and 2-15-3006 |           |        |
| Agency Contact Person/Phone: | Cort Jensen, 444-5402  |           |        |

**1. Purpose:**

Repeal the entire mint and mint oil production statute and disband the mint committee which eliminates the assessment on mint oil and the mint oil purchaser's license.

**2. Background:**

Mint production in the state has diminished and very little revenue is received through the mint assessment.

**3. Fiscal Impact by Fund Type:**

*This impact should be as specific as possible.*

Reduction of state special revenue appropriation of about \$7,500.

**4. Summary Checklist [Check & complete all that apply]--**

|  |  |   |  |
|--|--|---|--|
| <input type="checkbox"/> Housekeeping Only   | <input type="checkbox"/> Federal Requirement   | <input type="checkbox"/> Audit Recommendation (Audit No.) | <input type="checkbox"/> Major Legislation   |
| <input type="checkbox"/> Anticipated to be Controversial Legislation   | <input checked="" type="checkbox"/> Bill Draft has been included in Legislation Submittal (if available) |   |  |
| <input type="checkbox"/> Supports Submitted EPP Item Number  | <input type="checkbox"/> Local Government Fiscal Impact  |   |  |
| <input type="checkbox"/> Increases FTE, or <input type="checkbox"/> Decreases FTE by                                     | List FTE amount and program  |   |  |
| <input type="checkbox"/> Increases Existing Revenue  | <input type="radio"/> Tax  | <input type="radio"/> Fee                                 | <input type="radio"/> Penalty [amount in #3] |
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| <input type="checkbox"/> Establishes New Revenue   | <input type="radio"/> Tax  | <input type="radio"/> Fee                                 | <input type="radio"/> Penalty [amount in #3] |
| <input type="checkbox"/> Leg. has been Submitted in Previous Legislative Sessions (list priority no, LC no, or bill no): |  |   |  |
| <input type="checkbox"/> Legislation would affect other state agencies (list):   |  |   |  |
| <input type="checkbox"/> Special Interest Groups Affected (list):  |  |   |  |
| <input type="checkbox"/> Other:  |  |   |  |

**Proposed 2015 Session Legislation**

Agency Name &amp; No: Agriculture - 62010

Priority Number: 007 Filename: 30-007

Short Title: Support for alfalfa leaf cutter bee program

Agency Contact Person/Phone: Donna Rise, 444.9461

**1. Purpose:**

The department of agriculture would like the alfalfa leaf cutter bee (ALCB) to be able to accept industry support through alfalfa seed assessments, as designated by the alfalfa seed advisory committee.

**2. Background:**

The ALCB statutes require the program to be self supporting, but fees cannot be raised enough to be commensurate with costs. The alfalfa seed advisory committee, which represents the industry that uses the alfalfa leaf cutter bee program, is willing to support the ALCB program with assessment funds.

**3. Fiscal Impact by Fund Type:***This impact should be as specific as possible.*

No fiscal impact is foreseen.

**4. Summary Checklist [Check & complete all that apply]--**

- ☐ Housekeeping Only    ☐ Federal Requirement    ☐ Audit Recommendation (Audit No. \_\_\_\_\_)    ☐ Major Legislation
- ☐ Anticipated to be Controversial Legislation    ☒ Bill Draft has been included in Legislation Submittal (if available)
- ☐ Supports Submitted EPP Item Number \_\_\_\_\_    ☐ Local Government Fiscal Impact
- ☐ Increases FTE, or ☐ Decreases FTE by \_\_\_\_\_ List FTE amount and program \_\_\_\_\_
- ☐ Increases Existing Revenue    ☐ Tax    ☐ Fee    ☐ Penalty [amount in #3]
- ☐ Decreases Existing Revenue    ☐ Tax    ☐ Fee    ☐ Penalty [amount in #3]
- ☐ Establishes New Revenue    ☐ Tax    ☐ Fee    ☐ Penalty [amount in #3]
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- ☐ Legislation would affect other state agencies (list): \_\_\_\_\_
- ☐ Special Interest Groups Affected (list): \_\_\_\_\_
- ☐ Other: \_\_\_\_\_

## Proposed 2015 Session Legislation

Agency Name &amp; No: Agriculture - 62010

Priority Number: 010 Filename: 30-010

Short Title: Department of Agriculture may provide sampling of plant material services

Agency Contact Person/Phone: Cort Jensen, 444.5402

## 1. Purpose:

Enable the department to provide plant sampling services for producers in the event of particular types of disputes.

## 2. Background:

The department of agriculture is able to sample during disputes about patented plant material. This would allow the department, as a neutral party, to sample and test crop material when a dispute involves a crop "drifting" into a neighboring field.

3. Fiscal Impact by Fund Type: *This impact should be as specific as possible.*

Fiscal impact would be minimal and could be absorbed by existing appropriation.

## 4. Summary Checklist [Check &amp; complete all that apply]--

- ☐ Housekeeping Only    ☐ Federal Requirement    ☐ Audit Recommendation (Audit No.)    ☐ Major Legislation
- ☐ Anticipated to be Controversial Legislation    ☒ Bill Draft has been included in Legislation Submittal (if available)
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- ☐ Increases FTE, or    ☐ Decreases FTE by    List FTE amount and program
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- ☐ Other: